

Minutes of the Commission Meeting of the Board of Commissioners, Carbon County, State of Utah, held March 18, 2015 at the Courthouse Building, Price, Utah, commencing at 4:30 p.m.

Those present: Casey Hopes, Commission Chair
Jae Potter, Commissioner
Jake Mellor, Commissioner

Also present: Seth Oveson, Clerk/Auditor
Lori Perez, Deputy Clerk
Sandy Lehman, Commission Secretary
Jeff Wood, Sheriff
Christian Bryner, Attorney
Rose Barnes, HR
Rex Sacco, Public Lands
Jason Llewelyn, Emergency Services
Jeremy Humes, Attorney

Clerk's Certificate of Compliance with Open Meeting Law was filed.

Commissioner Hopes welcomed everyone and led the Pledge of Allegiance. The meeting began at 4:34 p.m.

1) Approval of Minutes

Commissioner Potter made a motion to approve the March 4, 2015 Commission Meeting minutes.
Commissioner Mellor seconded. Commissioner Hopes was not in attendance and abstained. Motion carried.

Commissioner Potter made a motion to approve the February 18, 2015 Commission Meeting minutes.
Commissioner Mellor seconded. Motion carried.

Commissioner Mellor made a motion to approve the February 18, 2015 Work Meeting minutes.
Commissioner Potter seconded. Motion carried.

2) Open sealed bids for 3,000 tons of hot mixed asphalt – Road Department

One bid was received:
Nielson Construction \$60.00 per ton

Commissioner Potter acknowledged the bid and asked that the Road Department review it and award if appropriate. Commissioner Mellor seconded. Motion carried.

3) Open sealed bids for paint-striping for County roads – Road Department

No bids were received for striping and it will need to be advertised again.

4) Open sealed bids for 600 tons of LMCRS-2 chipping oil – Road Department

3 bids were received:

| | | |
|-------------------------|----------------|---------------------|
| Peak Asphalt | \$342.00 a ton | FOB Woods Cross |
| Ergon Asphalt | \$336.00 a ton | FOB North Salt Lake |
| Mountain States Asphalt | \$359.00 a ton | FOB Tooele |

Commissioner Potter acknowledged the bids and asked that the Road Department do a final review and award, noting that Ergon Asphalt's bid is the lowest. Commissioner Mellor seconded. Motion carried.

5) Introduction of CDBG Program Manager for the South East Utah Association of Local Government – Todd Thorne

The CDBG Program Manager, Todd Thorne explained that the Community Development Block Grant is a Federal grant received by the State and is passed through to counties and cities for housing needs and

revolving loan funds. This helps businesses with gap financing. This grant is administered by the SEUALG and is designed to keep local businesses here. If the money isn't used locally then it goes back to the State for redistribution. The grant this year is for \$460,000.

6) **Review and possible approval of Contract with Utah Department of Health for matching AED Grant – Jason Llewelyn**

The Emergency Services Department has been awarded a grant to finish supplying all cars with AED's or Automated External Defibrillators. The grant is for \$4,500 with a \$1,500 local match.

Commissioner Potter made a motion to approve the contract with the Utah Department of Health and the matching funds. Commissioner Mellor seconded. Motion carried.

7) **Review and possible approval of the 2015 Emergency Management Performance Grant (EMPG) Application – Jason Llewelyn**

Jason explained that this is a Federal pass through grant to encourage local governments to hire, employ and develop emergency management programs. It is given directly to the County on a yearly basis and requires Jason to attend trainings and events. Because we have a full time emergency manager and assistant, we qualify for more money. This year it will be \$40,000.

Commissioner Potter made a motion to approve the 2015 Emergency Management Performance grant application. Commissioner Mellor seconded. Motion carried.

8) **Request for donation for the Black Diamond Legends Pro Rodeo to be held June 19-20, 2015 – Frankie Hathaway**

Lisa Peirce and Dorrell Barker would like to bring back the Black Diamond Rodeo and are looking for funding. The cost will be approximately \$40,000 and the rodeo is scheduled for June 19 and 20, Father's Day weekend. They feel that this is a good event for the County and will bring revenue to local businesses.

Commissioner Potter asked if their committee has any other funding available. Dorrell explained that they will be applying for non-profit status and they have collected about \$15,000 in donations and pledges.

Christian asked about the legal status of their entity. Right now they are private. They are expecting their PRCA permit any day which cost \$5,000. They are just getting organized. Christian had concerns because they are a new organization and are just applying for legal status. If the Commissioners decide to donate to the rodeo, the rodeo would need a "not for profit" status. Commissioner Potter suggested that they establish a status and then come back to the Commission for support.

Commissioner Potter made a motion to table this for now but invited them back when they have legal status and a committee established. Commissioner Mellor said once non-profit status is obtained then it will help with any potential fee waivers. He seconded the motion. Motion carried.

9) **Consideration and possible approval of contract with Journal Technologies for development of e-filing module for county attorney case management system – Jeremy Humes**

Deputy Attorney Jeremy Humes said last year the Commission approved the case management system software to file and receive case documents electronically. They were aware at that time that they would need an interface to communicate between our system and the court system. Originally the cost was going to be included but was not. This proposed contract is for an e-filing module with Journal Technologies who will subcontract with the company who will build the module.

There is a one-time development fee of \$10,000 and an annual fee of \$1,500 to maintain it.

Commissioner Potter asked what responsibility each participating county has for the development of this interface. The initial quote for the software was \$50,000 and has been reduced to \$10,000 because the cost will be shared by the participating counties.

Commissioner Mellor made a motion to accept the contract for the software package subject to a final review by the attorney's office. Commissioner Potter seconded. Motion carried.

10) Review and possible approval of CIB Priority Lists

Commissioner Potter said the list is available for public review and pointed out that CIB funding comes from mineral production on Federal land and Carbon County is the second highest producer in the State of Utah. This gives us a permanent seat on the CIB board, which Commissioner Potter fills.

Commissioner Potter made a motion to approve the list as updated. Commissioner Mellor seconded. Commissioner Hopes said the list includes projects in East Carbon, Price City, Wellington, Helper and Scofield. Everyone in the County has the opportunity for funding. Motion carried.

11) Public Hearing to consider and possibly approve a recommendation from the Planning Commission for designation of lands as per Representative Bishop's Public Lands Initiative

Commissioner Hopes said the County has been working on this initiative for two years. Congressman Bishop proposed it to the counties which have been looking at various possibilities. What is being presented tonight was compiled by a citizens group made up of various land users.

Commissioner Potter said we were the first county invited for input because of the RS2477 road litigation and the designation of wilderness in Carbon County in 2003. They were asked to redefine and help in the process of determining our land policy. This is ongoing and the Commission welcomes input from the Committee. The invitation is for the counties who have been impacted by mineral production. Representative Bishop will write the bill for Congress using the underlying language. Our initiative is added to this bill and presented as part of the whole bill to the public. If things change drastically to something we don't want then we can pull our proposal out of the plan.

This resolution is not binding on Carbon County, this is an opportunity to look into the future and to protect our rights and have multi-purpose uses on our public lands. We do welcome public comment. This process has not been done in a hurry and all public input has been valuable up to this point.

Commissioner Mellor said Commissioner Potter has summed it up well. This resolution was put together by a committee of individuals that represent a variety of interests from Carbon County. This commission meeting is to hear from the public and their interests.

Rex Sacco, the Carbon County Public Lands director explained and showed a short power point presentation highlighting the area involved in the resolution and various maps identifying the different options. He said the committee represented people who live in and are aware of the area. Representative Bishop wanted us to define what lands should be used for and for what purposes and include the established wilderness area in Desolation Canyon.

The Committee has selected 51,000 acres that they felt would be suitable for wilderness. In 2003, using the recreational opportunities spectrum analysis, that committee found an area that was three miles from a road which is the same area the Commission would support for Congressional designation as wilderness. Rex continued explaining the use of elevation to determine wilderness. Map 4 showed the finished proposal for the Resolution as wilderness and natural conservation areas. They are proposing to take the Nine Mile Canyon ACEC and ask Congress to designate it as a National Conservation Area which would be consistent with the programmatic agreement.

The Jacks Canyon National Conservation Area designation allows for oil and gas development in the future. The 4,200 acres just off of Range Creek was part of the Desolation Canyon Wilderness study area and is at risk for catastrophic fire. By designating it as a National Conservation Area the catastrophic fire risk will be reduced.

Deputy Attorney Christian Bryner has drafted a resolution which defines what the County would like. The Wild and Scenic River designation will protect the forty-four mile long eastern border of the County. There are no roads in the proposed wilderness area and what roads are near would remain open to the public.

One hundred and forty comments have been received and the majority is in favor of this initiative. Only about twenty are in opposition.

Commissioner Hopes opened the public hearing at 5:25 p.m.

Dennis Willis, Castle Country Canyoneers – He applauds the County for getting involved. His concerns are the lack of scientific recommendations and the general lack of participation on the County Committee from conservationists, archaeologists, cultural resources, non-motorized recreationists, commercial recreational hubs and river companies. Another concern is the net loss for conservation as compared to status quo, these lands are currently protected under the current status. He believes there has been a lack of public review for this process and that it was not well advertised. There has not been any consideration of alternatives. His concerns for the Energy Zone are primarily the restriction on minerals withdrawals. If this goes into statute we will live with the results for a hundred years or more. We are putting constraints on the ability of this Commission and local agencies to make decisions for the future. He is also concerned with losing the control of deferred drilling over active coal mines. The public should have access to due process and fair play.

The Castle Country Canyoneers have prepared an alternative proposal. They are sensitive to the road issues on Horse and Cedar Bench and are leaving those open. They think that designating Nine Mile Canyon and Range Creek as National Historic Landmarks would be better for the cultural concerns. The National Conservation Area designation is a tool that might work but he compared the NCA as the pliers and NHL as the socket wrench. Either might work but the socket wrench is better and is the right tool for the right job. He submitted their proposal to the Commissioners.

Pete Kilbourne, Castle Country Canyoneers – He addressed the technical aspects used in their alternative proposal. He helped with the mapping. He believes their proposal provides a manageable area which uses much of the County's proposal. He believes the County's proposal is too narrow and close to the river and will not preserve the wilderness qualities which may cause the County proposal to be rejected. He would like to see the boundaries moved away from the river. Within the boundaries, it is essential that non-motorized vehicles be excluded to preserve wilderness character and be consistent with the Wilderness Act.

Harvey Howard – He has been in a wheelchair for 30 years. He would like to see the area remain accessible to motorized vehicles so that he has access in his ATV and can accompany his family in these places. He and others in similar situations cannot get past a locked gate. He would like to see the gates on Cedar and Horse Bench be opened to public access. He was impressed with this Resolution and that very few trails will be closed. He asked that the Commissioners take his situation and other handicapped outdoorsmen into consideration.

Jerry Anderson - sees this tool as a great conservation and preservation method. He had questions about the role of the Forest Service and BLM, who are also filing a joint statement on their position. He hopes that this can help manage Range Creek properly and prevent catastrophic fires in the area.

Scott Wheeler - Looks at this as a starting point. His concerns are the continuity with the other counties that surround us and the amount of wilderness area that was removed from this bill. Nature determines wilderness. Desolation Canyon area is roadless and fits the criteria for wilderness. He is okay with the removal of the 200,000 acres because it contains roads and drill rigs. A buffer zone to the wilderness area of a mile or two should be adequate. His main concerns are good representation where any changes made to the proposal will be beneficial to the County and the continuity between counties.

Don Polster - is concerned with the legislative language document which says it is amended by the Carbon County Staff and written by Connie Brooks. He asked who Connie Brooks is and if this document comes from Rex or Representatives Bishop and Chaffetz. He is concerned with how the ATV section reads, where roads cannot be blocked off. He noted that north and west of Price the ground is getting torn up by ATV's which is happening all over the County. This causes erosion and reduces grazing.

Christian explained that this is an exhibit to the Resolution because it contains a lot of details that are hoped to be included in the Congressional bill. The Resolution does not contain the same language that Congress may adopt but has the ideas and concepts that the committee wants Congress to consider.

Rex Sacco said Connie Brooks is a Natural Resource attorney and the language used is also being looked at by Daggett, Uintah and Grand Counties.

Alan Peterson, from the Citizens Group - hopes the public understands that this proposal will be tweaked and worked. Land use management is a huge elephant and can be overwhelmingly complicated. He thanked Dennis and Pete for putting together their proposal and asked the Commissioners to look at it closely with an open mind. If we fail to gain enough traction at this stage we will not move forward. This needs to be successful. Recreation and wilderness involve a lot of emotion.

He believes it comes down to economic survival coming from mineral extraction. He believes we can protect the past, we can enjoy the present and plan for the future and it has to be that balance because there is value in the past. If we cannot live here and survive for the next generation then we fail. We are blessed to be here and live where we live.

Commissioner Potter asked Alan if he had reviewed the Carbon County Canyoneering proposal or if he thought the Resolution was a good proposal. Alan said he is in support of the County proposal. Alan feels there is a disadvantage in designating Nine Mile Canyon as a National Historic Landmark because the advisory council would sit in Washington DC. He thinks management needs to be closer to home.

Mayor Joan Powell, Wellington City - The outdoors is a place of discovery and motorized vehicles allow for more access. Jana Abrams brought a group together and they have been working with a common goal to promote our area. Joan read some of the comment letters from Grand County's initiative.

She has served on the Arapen Trail System Council and believes this is a great accomplishment. She feels we can do the same thing in Carbon County. Horse Bench is an ideal spot and she wants the gates removed. She thinks this area is big enough for everyone where different forms of travel can be accepted. She supports the initiative and hopes it goes forward.

Ralph Hardman - he supports both Alan Peterson and Joan Powell and the initiative as presented.

Jeff Christensen representing Tavaputs and TN Ranching and Carbon County Farm Bureau - Over 50% of the proposed wilderness is on the Rock Creek Range in Desolation Canyon. They feel this is a good plan by the Carbon County Commissioners and will protect their current and future grazing on public lands in Desolation Canyon for generations to come. In 1991 their grazing permits were revoked in Desolation Canyon and after filing a law suit by TN Ranching their grazing privileges were restored. This proposal slices off what is wilderness but protects the public and grazing rights which they have held for 130 years. This is the seventh generation to ranch in this area and he thanked the Commission for keeping them there.

Pam Miller -- her concerns are that not a lot of time has been given for public comment and that a larger more inclusive group was not invited to be on the committee. She feels that this document is a beginning point for discussion. She feels that the Committee did spend a lot of time on the project but there is room for more public involvement. Something this important to the County needs more time and to involve a more inclusive group. She feels the groups have become collaborators with common interests.

Concerning Nine Mile Canyon and designating it as a National Conservation Area, looks good but may not get good management on the local level. A National Historic Landmark is more acceptable to her groups because the advisory council can weigh in when things are not happening. She sees more help for Nine Mile Canyon from this designation. She finds it bothersome that the visual resource management guidelines will be lowered to a Class 3 level which would be less protection for the scenery. The Resolution also talks about returning utility corridors, rights-of-ways, construction of pipelines and she wants to make sure these will be managed correctly on a local level; the Federal control may be more stringent. It would be helpful to have more group discussions with specialists from the local area.

Linda Patterson, President of the Castle Valley Archaeological Society - her concerns are in Section 7, Water Rights, which seems to be written vaguely and has a potential for litigation because there is a conflict between the designation of wilderness area and the preservation of the water rights. In Section 10, she asked if cycling also includes bicycling and would like to see it worded better.

Karen Brunbaum, the Secretary of Castle Valley Archaeological Society - She thinks that the County is missing a real vision for the future and that it's not just oil, gas and ranching. What brings people here to

live and recreate is the quality of life; we have clean air and recreation opportunities like Nine Mile Canyon, which needs to be preserved. She supports Dennis's proposal to expand the wilderness area in Desolation Canyon and designate Nine Mile Canyon as a National Historic Landmark which will offer more protection for the cultural remains. She is also concerned with hard release language in Section 2 which does not permit for adding wilderness or a national monument later, she feels this is short sighted. The hard release language does not take into consideration the long term uses for the land. She objects to the hard release language.

Steve Tanner - would like to see a new term added to all the documents: "responsible multiple use" because the term "multiple use" does not require us to be responsible.

Ann Mackiewicz - asked if more input is possible as Pam suggested. Commissioner Potter said that this public hearing is to evaluate the need for more input. There is a timeline from the Congressional offices. Commissioner Mellor said an abundance of information has already been received but this hearing is to allow for additional comments and concerns. This meeting is to see if any additional revisions need to be made.

Mark Mackiewicz - asked that the Commission take Mr. Willis's proposal seriously and take a hard look at it. There is a lot of good factual information in it. He is concerned that this is a done deal and the Commission won't look at it. He wants everyone to look at it in order to build and craft a better proposal. He is also concerned about the committee not being inclusive and more experts and entities were needed.

Commissioner Potter asked Rex for the due date for submission of the material by Rep. Bishop's office. Rex said March 27, 2015.

Joan Powell - asked what constitutes an expert? Is it education or experience? Where is the line drawn concerning expertise?

Craig Housekeeper, family homesteaded Nine Mile Canyon - said his concern is that the Commission take this seriously and consider everything before they react. He attended the open house and was given three minutes to talk. He didn't feel like their opinions from the open house carried any weight. He hopes that the Commission takes the comments from this meeting more seriously.

Commissioner Hopes said the Planning Commission is an advisory role to the Commission. Their role is different; they listen and bring a recommendation to the Commission. The Commissions' job is to take the public comments for evaluation. Craig did not feel that his concerns were met.

Dennis Willis - wants to make sure that specific language is added concerning what his group wants. We need to ask for what we want and not ask for something we don't. We need to be careful that the language will not restrict what the future Commission can do.

Burt Hadden, Castle Country OHV Association - he approves this initiative. He would like to see the gates come down on Horse Bench and other places. He rides ATV's because he has a hard time walking and has seen beautiful places. He agrees with others in attendance and asked that the Commission support this initiative. We need to take care of this now for future generations.

Joan Powell - WSA and Wilderness is something that doesn't ever get changed either. She thinks this initiative will put things to bed and we should accept it, it's a good thing.

Mike Angus - We have the EIS and the management agreement and are happy to work with these. His suggestion that we consider what is out there, as a whole it may benefit all interested parties - recreation, agriculture, and archaeologist. He strongly urged getting everyone to the table and to consider listening to everyone.

Heidi Essex, Castle Valley Archaeological Society and Vice President of the State Archaeology Society - her concerns are with drilling in Range Creek. She feels that it should be kept pristine and drilling can happen in other areas. She also supports CVAS and what Dennis said and is in favor of finding a balance between all entities. She thanked everyone for the effort.

Jim Darter - asked if he could still submit a written comment to Rex, but that is closed. He supports the initiative and the efforts given by all.

Terry Sanslow – he is in support of the initiative and thinks it is a good way to go.

Pete Kilbourne - He would like to pull people together within the short time frame for further discussion and still keep to the deadline.

Jim Piacitelli - asked about the deadline which is March 27. He feels that there is still time for additional comments to be considered.

Butch Jensen, a landowner on the Tavaputs Plateau and permit holder in Desolation Canyon - they feel that this is a very good plan and hopes that the Commission will move forward with it. He also commented that Desolation Canyon doesn't need to be designated as wilderness, it is wilderness.

The public hearing was closed at 6:37 p.m.

Commissioner Hopes – thanked everyone for their time to participate in the process. The information is very valuable and gives a voice to everyone.

Commissioner Potter added that the original proposal tried to define wilderness, where it was at, how close to roads and development. Those things are still in place but they have taken on different meanings. Additional concerns are the gates that were put up on the Tavaputs which was a Federal decision and the County was not contacted by anyone, which was a compromise for drilling to move ahead. That happened long before this Commission was in place. The community has already given up some freedoms over this time frame.

He said he has visited these areas with special permission and is sorry it is not accessible. The Uintah side is not gated which he doesn't understand because our side has a gate. A second concern is the Energy Zone, which was studied and the mineral zones identified. This has not been a haphazard decision. He doesn't want jobs to go away because you lock up the land, development is far more serious. The third concern is a concession of time and deadline. Continuity and professional resources are important and not all the counties affected have had a public hearing yet. The public needs to know that he takes this very seriously and is interested in the future of the County. He thinks the Committee did a wonderful job. We have to make a decision to be a part of this or we walk away. The places that need to be preserved are the places designated as wilderness in this proposal. He has concerns for public safety and what this proposal means to all of our lives. He talked about Nine Mile Canyon and trying to find a mechanism that gives more local control and more input. This is not yet a destination but could become one with a designation. Archaeology discoveries were made because of the new road and the dust was controlled. Other sensitive areas are not being preserved and are weathering away. He doesn't know how to view the alternate proposal and asked for input from the other Commissioners.

Commissioner Mellor said this committee has looked at several alternative proposals and there will be more coming forth. He did not find anything substantial or factual enough to change what is currently being proposed. There have been a lot of positive comments in favor of the initiative and less negative comments. He feels that the process has been thorough, that the Committee has utilized experts and specialists and has communicated with the various agencies to cover the issues. He appreciates the community involvement. He has not heard anything that is compelling enough to cause to deliberate further. Another group not represented in the public hearing was the Disabled Veterans. If anyone is allowed access, it should be them.

Commissioner Hopes is comfortable with this Resolution but will review the new plan submitted. The initiative creates goals going forward. It creates securities so that public land is not designated without any comment from the local communities or energy opportunities locked up without any local input on management.

Commissioner Mellor made a motion to approve Resolution 2015-01 as it stands and send it to Representative Bishop for revisions. Commissioner Potter seconded because we will still have a final say on the bill before it is submitted to Congress. Motion carried.

12) Review and approval of Departmental Reports


Commissioner Potter made the motion to adjourn. Commissioner Mellor seconded. Motion carried.

Meeting adjourned at 6:56 p.m.



Casey Hopes, Chairman

ATTEST:



Seth Oveson, County Clerk/Auditor

